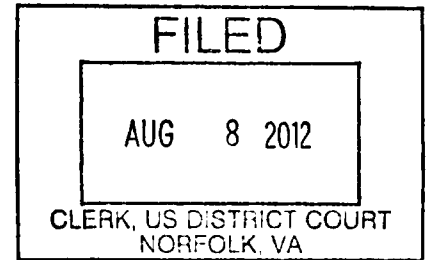


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



UNITED STATES OF AMERICA FOR THE  
USE AND BENEFIT OF PROBUILD COMPANY,  
LLC, et al.,

Plaintiffs,

v.

ACTION NO. 2:11cv451

EDMOND SCARBOROUGH,

Defendant.

ORDER

This matter comes before the court on the Motion for Summary Judgment (ECF #34), filed by the defendant on May 9, 2012. The matter was referred to a United States Magistrate Judge by Order of May 30, 2012 (ECF #37), pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the motion.

The United States Magistrate Judge's Report and Recommendation (ECF #40) was filed on July 19, 2012. The magistrate judge recommended denying defendant's Motion for Summary Judgment on the pleadings.


By copy of the report and recommendation of the magistrate judge, the parties were advised of their right to file written

objections thereto. The court has received no objections to the magistrate judge's report and recommendation, and the time for filing same has expired.

The court does hereby adopt and approve in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed July 19, 2012. Accordingly, the defendant's Motion for Summary Judgment on the pleadings is **DENIED**.

The Clerk shall forward a copy of this Order to all parties of record.

It is so **ORDERED**.

/s/   
\_\_\_\_\_  
**Rebecca Beach Smith**  
**Chief**  
**United States District Judge**

Norfolk, Virginia

August 8, 2012